

AMENDED IN ASSEMBLY MAY 7, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1190**

**Introduced by Assembly Member Bloom**

February 22, 2013

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An act to add Section 25163.4 to amend Section 25163.3 of the Health and Safety Code, relating to hazardous waste.

LEGISLATIVE COUNSEL'S DIGEST

AB 1190, as amended, Bloom. Hazardous waste: transportation.

~~(1) Existing~~

*Existing* law requires any person generating hazardous waste that is transported, or submitted for transportation, for offsite handling, treatment, storage, disposal, or any combination thereof, to complete a manifest and be subject to transporter registration requirements. Existing law exempts from these requirements a person who is transporting certain types of hazardous waste and who meets other conditions under a consolidated manifest procedure. ~~A violation of the hazardous waste control laws is a crime. One of those conditions is that a generator who is a public utility, local publicly owned utility, or municipal utility district is authorized to transport in a single shipment up to 1,600 gallons of hazardous wastewater from the dewatering of one or more utility vaults.~~

*This bill would revise that condition to increase the maximum to 5,000 gallons.*

~~This bill would exempt from the hazardous waste manifesting requirements a public utility, local publicly owned utility, or municipal utility district with regard to certain hazardous waste that is collected and transported as specified, subject to notice requirements. Because a~~

violation of these requirements would be a crime, the bill would impose a state-mandated local program by creating new crimes.

~~(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that no reimbursement is required by this act for a specified reason.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: ~~yes~~no.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 25163.3 of the Health and Safety Code  
2     is amended to read:

3     25163.3. A person who initially collects hazardous waste at a  
4     remote site and transports that hazardous waste to a consolidation  
5     site operated by the generator and who complies with the  
6     notification requirements of subdivision (d) of Section 25110.10  
7     shall be exempt from the manifest and transporter registration  
8     requirements of Sections 25160 and 25163 with regard to the  
9     hazardous waste if all of the following conditions are met:

10    (a) The hazardous waste is a non-RCRA hazardous waste, or  
11    the hazardous waste or its transportation is otherwise exempt from,  
12    or is not otherwise regulated pursuant to, the federal act.

13    (b) The conditions and requirements of Section 25121.3 are  
14    met.

15    (c) The regulations adopted by the department pertaining to  
16    personnel training requirements for generators are complied with  
17    for all personnel handling the hazardous waste during transportation  
18    from the remote site to the consolidation site.

19    (d) The hazardous waste is transported by employees of the  
20    generator or by trained contractors under the control of the  
21    generator, in vehicles~~which~~ that are under the control of the  
22    generator, or by registered hazardous waste transporters. The  
23    generator shall assume liability for a spill of hazardous waste being  
24    transported under this section by the generator, or a contractor in  
25    a vehicle under the control of the generator or contractor. Nothing  
26    in this subdivision bars any agreement to insure, hold harmless,  
27    or indemnify a party to the agreement for any liability under this

1 section or otherwise bars any cause of action a generator would  
2 otherwise have against any other party.

3 (e) The hazardous waste is not held at any interim location,  
4 other than another remote site operated by the same generator, for  
5 more than eight hours, unless that holding is required by other  
6 provisions of law.

7 (f) Not more than 275 gallons or 2,500 pounds, whichever is  
8 greater, of hazardous waste is transported in any single shipment,  
9 except for the following:

10 (1) A generator who is a public utility, local publicly owned  
11 utility, or municipal utility district may transport up to ~~1,600~~ 5,000  
12 gallons of hazardous wastewater from the dewatering of one or  
13 more utility vaults, or up to 500 gallons of ~~any other~~ *another* liquid  
14 hazardous waste in a single shipment.

15 (2) A generator who is a public utility, local publicly owned  
16 utility, or municipal utility district may transport up to 5,000  
17 gallons of mineral oil from a transformer, circuit breakers, or  
18 capacitors, owned by the generator, in a single shipment if the oil  
19 does not exhibit the characteristic of toxicity pursuant to the test  
20 specified in subparagraph (B) of paragraph (2) of subdivision (a)  
21 of Section 66261.24 of Title 22 of the California Code of  
22 Regulations.

23 (g) A shipping paper containing all of the following information  
24 accompanies the hazardous waste while in transport, except as  
25 provided in subdivision (h):

26 (1) A list of the hazardous wastes being transported.

27 (2) The type and number of containers being used to transport  
28 each type of hazardous waste.

29 (3) The quantity, by weight or volume, of each type of hazardous  
30 waste being transported.

31 (4) The physical state, such as solid, powder, liquid, semiliquid,  
32 or gas, of each type of hazardous waste being transported.

33 (5) The location of the remote site where the hazardous waste  
34 is initially collected.

35 (6) The location of any interim site where the hazardous waste  
36 is held en route to the consolidation site.

37 (7) The name, address, and telephone number of the generator,  
38 and, if different, the address and telephone number of the  
39 consolidation site to which the hazardous waste is being  
40 transported.

1 (8) The name and telephone number of an emergency response  
2 contact, for use in the event of a spill or other release.

3 (9) The name of the individual or individuals who transport the  
4 hazardous waste from the remote site to the consolidation site.

5 (10) The date that the generator first begins to actively manage  
6 the hazardous waste at the remote site, the date that the shipment  
7 leaves the remote site where the hazardous waste is initially  
8 collected, and the date that the shipment arrives at the consolidation  
9 site.

10 (h) A shipping paper is not required if the total quantity of the  
11 shipment does not exceed 10 pounds of hazardous waste, except  
12 that a shipping paper is required to transport any quantity of  
13 extremely or acutely hazardous waste.

14 (i) All shipments conform with all applicable requirements of  
15 the United States Department of Transportation for hazardous  
16 materials shipments.

17 ~~SECTION 1. Section 25163.4 is added to the Health and Safety~~  
18 ~~Code, to read:~~

19 ~~25163.4. (a) In addition to the consolidation site procedures~~  
20 ~~authorized by Section 25163.3, a public utility, local publicly~~  
21 ~~owned utility, or municipal utility district is exempt from the~~  
22 ~~requirements of Sections 25160 with regard to hazardous waste~~  
23 ~~that meets all of the following conditions:~~

24 ~~(1) The hazardous waste is collected in the amounts and types~~  
25 ~~specified in subdivision (b) at a remote site.~~

26 ~~(2) The hazardous waste is transported pursuant to subdivision~~  
27 ~~(e) to a consolidation site operated by the public utility, local~~  
28 ~~publicly owned utility, or municipal utility district.~~

29 ~~(3) A notification with regard to that hazardous waste is~~  
30 ~~submitted pursuant to subdivision (d).~~

31 ~~(b) The following amounts of hazardous waste may be~~  
32 ~~transported pursuant to this section in a single shipment in a vehicle~~  
33 ~~that meets all applicable vehicle safety requirements:~~

34 ~~(1) Between 1,600 and 5,000 gallons of hazardous wastewater~~  
35 ~~from the dewatering of one or more utility vaults, or between 500~~  
36 ~~and 5,000 gallons of any other liquid hazardous waste.~~

37 ~~(2) Between 2,500 and 10,000 pounds of the following~~  
38 ~~hazardous wastes:~~

39 ~~(A) Asbestos-contaminated waste.~~

40 ~~(B) Oil-contaminated waste.~~

1 ~~(C) Soil and water contaminated with gasoline or diesel fuel.~~

2 ~~(D) Solvents used for cleaning electrical and mechanical~~  
3 ~~equipment, including hydrocarbon and chlorinated solvents.~~

4 ~~(E) Soil and rags contaminated with hydrocarbon or chlorinated~~  
5 ~~solvents.~~

6 ~~(F) Corrosive liquids, including sulfuric acid, sodium hydroxide,~~  
7 ~~and other corrosive liquids.~~

8 ~~(G) Sandblast grit contaminated with metals.~~

9 ~~(H) Soil contaminated with metals.~~

10 ~~(e) A public utility, local publicly owned utility, or municipal~~  
11 ~~utility district transporting a hazardous waste pursuant to this~~  
12 ~~section shall meet all of the following conditions:~~

13 ~~(1) The hazardous waste is a non-RCRA hazardous waste, or~~  
14 ~~the hazardous waste or its transportation is otherwise exempt from,~~  
15 ~~or is not otherwise regulated pursuant to, the federal act.~~

16 ~~(2) The utility or district complies with the conditions and~~  
17 ~~requirements for remote sites specified in Section 25121.3.~~

18 ~~(3) The utility or district complies with the regulations adopted~~  
19 ~~by the department that pertain to personnel training requirements~~  
20 ~~for generators, with regard to all personnel handling the hazardous~~  
21 ~~waste during transportation from the remote site to the~~  
22 ~~consolidation site.~~

23 ~~(4) The hazardous waste is transported by a transporter that is~~  
24 ~~registered pursuant to the requirements of Section 25163.~~

25 ~~(5) The hazardous waste is not held at any interim location,~~  
26 ~~other than another remote site operated by the same generator, for~~  
27 ~~more than eight hours, unless that holding is required by other~~  
28 ~~provisions of law.~~

29 ~~(6) A shipping paper containing all of the following information~~  
30 ~~accompanies the hazardous waste while in transport, except as~~  
31 ~~provided in subparagraph (7):~~

32 ~~(A) A list of the hazardous wastes being transported.~~

33 ~~(B) The type and number of containers being used to transport~~  
34 ~~each type of hazardous waste.~~

35 ~~(C) The quantity, by weight or volume, of each type of~~  
36 ~~hazardous waste being transported.~~

37 ~~(D) The physical state, such as solid, powder, liquid, semiliquid,~~  
38 ~~or gas, of each type of hazardous waste being transported.~~

39 ~~(E) The location of the remote site where the hazardous waste~~  
40 ~~is initially collected.~~

1     ~~(F) The location of any interim site where the hazardous waste~~  
2     ~~is held en route to the consolidation site.~~

3     ~~(G) The name, address, and telephone number of the generator,~~  
4     ~~and, if different, the address and telephone number of the~~  
5     ~~consolidation site to which the hazardous waste is being~~  
6     ~~transported.~~

7     ~~(H) The name and telephone number of an emergency response~~  
8     ~~contact, for use in the event of a spill or other release.~~

9     ~~(I) The name of the individual who transports the hazardous~~  
10    ~~waste from the remote site to the consolidation site.~~

11    ~~(J) The date that the generator first begins to actively manage~~  
12    ~~the hazardous waste at the remote site, the date that the shipment~~  
13    ~~leaves the remote site where the hazardous waste is initially~~  
14    ~~collected, and the date that the shipment arrives at the consolidation~~  
15    ~~site.~~

16    ~~(7) A shipping paper is not required if the total quantity of the~~  
17    ~~shipment does not exceed 10 pounds of hazardous waste, except~~  
18    ~~that a shipping paper is required to transport any quantity of~~  
19    ~~extremely hazardous waste or acutely hazardous waste.~~

20    ~~(8) All shipments comply with all applicable requirements of~~  
21    ~~the United States Department of Transportation for hazardous~~  
22    ~~materials shipments.~~

23    ~~(d) A public utility, local publicly owned utility, or municipal~~  
24    ~~utility conducting operations pursuant to this section shall submit~~  
25    ~~a notification to the department and certified unified program~~  
26    ~~agency in the same manner as a generator is required to submit a~~  
27    ~~notification pursuant to subdivision (d) of Section 25110.10.~~

28    ~~SEC. 2. No reimbursement is required by this act pursuant to~~  
29    ~~Section 6 of Article XIII B of the California Constitution because~~  
30    ~~the only costs that may be incurred by a local agency or school~~  
31    ~~district will be incurred because this act creates a new crime or~~  
32    ~~infraction, eliminates a crime or infraction, or changes the penalty~~  
33    ~~for a crime or infraction, within the meaning of Section 17556 of~~  
34    ~~the Government Code, or changes the definition of a crime within~~  
35    ~~the meaning of Section 6 of Article XIII B of the California~~  
36    ~~Constitution.~~